

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

8

Denise Rowan
4953 Lake Drive
Waterford, MI 48329

Plaintiff,

Case: 2:12-cv-10034

Judge: Cox, Sean F.

MJ: Whalen, R. Steven

Filed: 01-04-2012 At 04:35 PM

CMP: DENISE ROWAN V. PATRICK R. DON

AHUE, ET AL (KB)

Patrick R. Donahue, Postmaster General
Postmaster General
Great Lakes Area
U.S.P.S.

Defendant(s).

COMPLAINT AND MOTION FOR OTHER RELIEF

- This action is brought pursuant to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) for employment discrimination. Jurisdiction is specifically conferred on this Court under 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 20003-5(g).
- Plaintiff resides at the address at the bottom of this form.
- Defendant's address is:
Great Lakes Area U.S.P.S.
STREET ADDRESS CITY STATE ZIP
- The address where the alleged discrimination occurred (the address where you were employed or sought employment):
5340 Highland Waterford MI 48327
STREET ADDRESS CITY STATE ZIP
- The alleged discriminatory acts occurred:
2008 2010
FROM (DATE) TO (DATE)
- Charges were filed with the Michigan Civil Rights Commission regarding defendant's alleged discriminatory conduct:

DAY/MONTH/YEAR (IF YOU DID NOT FILE WITH THIS AGENCY, LEAVE THIS LINE BLANK)

- Charges were filed with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct:
1st time was later in 2008 - then my 2009 & 2010 cases were combined.
DAY/MONTH/YEAR (IF YOU DID NOT FILE WITH THIS AGENCY, LEAVE THIS LINE BLANK)

Primary case filed Sept. 16, 2009

8. The Final Determination/Notice of Right to Sue letter from the Equal Employment Opportunity Commission was received on (date) _____.
I ☒ have ☐ have not filed this complaint within the 90 day period as required by 42 USC Section 2000e-5.

9. The acts complained about in this suit concern:

- A. ☒ Failure to employ you B. ☐ Termination of employment
C. ☐ Failure to promote you D. ☒ Other acts, explained below:

Harassment, discrimination, intimidation

10. Defendant's conduct is discriminatory based upon:

- A. ☐ race B. ☐ color C. ☐ gender D. ☐ age E. ☐ National origin
F. ☒ ADA-defined disability/other: _____

11. A copy of my charge to the Equal Employment Opportunity Commission is attached to this Complaint and is submitted as a brief statement of the facts of this claim.

If relief is not granted, I will be irreparably denied rights secured by Title VII of the Civil Rights Act of 1964 and/or the Elliot-Larsen Civil Rights Act.

I therefore pray that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney fees.

Denise Rowan
SIGNATURE OF PLAINTIFF

4953 Love Dr.
STREET ADDRESS

Waterford M. 48329
CITY, STATE, ZIP

(248) 933-2510
TELEPHONE NUMBER

1-4-12
DATE

Denise Rowan)	Delivery Confirmation Representative	<u>0308 1400 0000 9377 7935</u>
4953 Lore Dr)	Delivery Confirmation Complainant	<u>0308 1400 0000 9377 7928</u>
Waterford MI 48329-1644)		
Complainant,)	EEOC Case No.:	471-2010-00051X
)	Agency Case Number:	4J-480-0064-09
v.)	Primary Case Date Filed:	September 16, 2009
)	Secondary Case Number/s:	4J-480-0080-10
Patrick R. Donahoe)		
Postmaster General)		
Respondent)		
Great Lakes Area)		
U.S. Postal Service)		

You are advised that, if you file your appeal beyond the 30-day period set forth in the Commission's regulations, you should provide an explanation as to why your appeal should be accepted despite its untimeliness. If you cannot explain why your untimeliness should be excused in accordance with 29 C.F.R. 1614.604, the Commission may dismiss the appeal as untimely.

Denise Rowan
Notice of Final Action

Page 2 of 2

Right to File Civil Action

Alternatively, if you are dissatisfied with the Postal Service's final decision in this case, you may file a civil action in an appropriate U.S. District Court within 90 calendar days of your receipt of the Postal Service's final decision, within 90 calendar days of the EEOC's final decision on any appeal, or after 180 days from the date of filing an appeal with the EEOC if no final decision has been rendered. If you choose to file a civil action, that action should be captioned:

DENISE ROWAN V. PATRICK R. DONAHOE, POSTMASTER GENERAL

You may request the court to appoint an attorney for you and to authorize the commencement of that action without the payment of fees, costs, or security. Whether these requests are granted or denied is within the sole discretion of the District Judge. Your application must be filed within the same 90-day time period for filing the civil action.

Rebecca Pagan

10/27/11

Rebecca Pagan
EEO Services Analyst
PO Box 21979
Tampa FL 33622-1979
Enclosure: Appeal Form 573

cc: Manager, Human Resources
Southeast Michigan District
2351 Bellingham Dr
Troy MI 48083-9400

Mimi M. Gendreau, Administrative Judge
Detroit District Office
477 Michigan Ave #865
Detroit MI 48226-9704

Regional Manager, EEO Compliance and Appeals
Great Lakes Area
244 Knollwood Drive 2nd Floor
Bloomington IL 60117-3010

Lana S. Johnson
Great Lakes (and Lakeland) USPS Law Department
222 S. Riverside Plaza, Suite 1200
Chicago IL 60606-6105

Chad T Beavers, Representative
740 W Eleven Mile Rd
Madison Heights MI 48071-3206

330 330 330 330

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
DETROIT FIELD OFFICE

COMPLAINT OF

DENISE ROWAN,

Complainant,

and

PATRICK R. DONAHOE, POSTMASTER
GENERAL OF THE UNITED STATES,

Respondent Agency.

EEOC DOCKET NO.
471-2010-00051X

AGENCY CASE NO.
4-J-480-0064-09
4-J-480-0080-10
ADMINISTRATIVE JUDGE
MIMI M. GENDREAU

DATE: OCTOBER 3, 2011


ORDER ENTERING JUDGMENT

For the reasons set forth in the enclosed Decision dated October 3, 2011, judgment in the above-captioned matter is hereby entered. A Notice To The Parties explaining their appeal rights is attached.

This office is also enclosing a copy of the hearing record for the agency. The parties have received the correspondence in this matter when it was originally sent.

If the Agency wishes to have the copy of the Report of Investigation (ROI) returned to it, it has 30 days to provide to this office a pre-paid self addressed envelope for the ROI to be mailed or it will be destroyed.

SO ORDERED.


Mimi M. Gendreau
Administrative Judge

Enclosures

CERTIFICATE OF SERVICE


I certify that on October 3, 2011, the foregoing documents listed below were sent *via* first class mail to the following:

NEEOISO
P.O. Box 21979
Tampa, FL 33622-1979

Denise Rowan
4953 Lore Dr.
Waterford, MI 48329

Claude T. Beavers
740 W. Eleven Mile Rd.
Madison Heights, MI 48071

Lana S. Johnson
USPS Law Department
222 S. Riverside Plaza, Suite 1200
Chicago, IL 60606



Mimi M. Gendreau
Administrative Judge

- ☒ Decision; (bench[]), written[☒]
- ☒ Order Entering Judgment
- ☐ Correspondence
- ☒ Hearing Exhibits
- ☒ Transcripts
- ☐ Case File
- ☒ Notice to the Parties

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>Denise Rowan</u> <u>4953 Lore Drive</u> <u>Waterford MI 48329</u>	DEFENDANTS <u>Patrick R. Donahue</u> <u>Postmaster General</u> <u>Great Lakes Area</u> <u>U.S.P.S.</u>
(b) County of Residence of First Listed Plaintiff <u>Oakland</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number)	Attorneys (If Known) <u>Lana S. Johnson</u> <u>Great Lakes U.S.P.S. Law Dept</u> <u>222 S. Riverside Plaza, Ste 1200</u> <u>Chicago IL 60606</u>

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business In This State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business In Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)	<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause: <u>I am suing my employer for violating my rights.</u>	
VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No

VIII. RELATED CASE(S) IF ANY (See instructions):	JUDGE <u>Mimi Gendreau</u>	DOCKET NUMBER <u>471-2010-00051X</u>
DATE <u>1-4-12</u>	SIGNATURE OF ATTORNEY OF RECORD <u>Denise Rowan</u>	

FOR OFFICE USE ONLY				
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
